

SIKKIM



GOVERNMENT

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**GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH CARE, HUMAN SERVICES AND FAMILY WELFARE**

No. 167

Date: 10.06.2019

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 41 of the Sikkim Anti Drugs Act, 2006 (Act No. 2 of 2006), the State Government hereby makes the following rules for establishment, appointment, maintenance, management, superintendence of centres, for appointment, training, powers and duties of personnel employed in such centres and for identification, treatment, education, aftercare, rehabilitation, social reintegration of addicts and for supply of narcotic drugs and psychotropic substances to the addicts, namely:-

**Short title and
commencement.**

1. (1) These rules may be called the Sikkim De-addiction and Rehabilitation Centre (Establishment and Regulation) Rules, 2019.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definitions.

2. (1) In these rules, unless the context otherwise requires;-
 - (a) "Act" means the Sikkim Anti Drugs Act, 2006;
 - (b) "Centre" means drug de-addiction and rehabilitation centre established to treat and rehabilitate drug addicts in the State of Sikkim;
 - (c) "Form" means form appended to these rules;
 - (d) "Government" means the Government of Sikkim;
 - (e) "Inspecting authority" means the Licensing authority or the officers authorized by the Licensing authority not below the rank of Inspector;
 - (f) "Licensing authority" means the licensing-cum-registering authority constituted under sub rule (i) of rule 6;
 - (g) "organization" includes a society registered under Notification Number 2602 A/H dated 25th March, 1960 or

the Sikkim Regulation of Societies, Associations and other Voluntary Organizations Act, 2008, Trust, a company incorporated under the Companies Act, 1958; (I of 1958), or any institution fully funded, managed or approved by the State Government or by the Ministry of Social Justice and Empowerment, Government of India;

(h) "State Level Committee" means the State Level Committee constituted under sub-rule (1) of rule 3.

(2) Words and expressions used in these rules but not defined shall have the same meaning respectively assigned to them in the Sikkim Anti Drugs Act, 2006 (Act No. 2 of 2006).

**Constitution of
State Level
Committee.**

3. (1) There shall be a State Level Committee comprising of the following official and non-official members, namely :-
 - (i) Secretary to the Government of Sikkim, - Chairman
Health Care, Human Service and Family
Welfare Department
 - (ii) Secretary to the Government of Sikkim, - Official Member
or Special Secretary or Director Rank
Officer, Social Justice Empowerment, and
Welfare Department
 - (iii) Secretary to the Government of Sikkim, - Official Member
or Special Secretary or Director Rank
Officer, Human Resource Development
Department
 - (iv) Principal Director Health Services - Member Secretary
 - (v) Head, Department of Psychiatry, - Official Member
S. T. N. M. Hospital, Gangtok
 - (vi) Head, Department of Psychiatry, - Official Member
Sikkim Manipal Institute of Medical
Sciences, Tadong, Gangtok
 - (vii) Two lawyers of repute, experienced
in dealing with substance use cases
or clients - Non-Official Member
 - (viii) Two representatives of existing NGOs - Non-Official Member
working in this field in the State of
Sikkim
 - (ix) The Committee may co-opt any
additional Member(s) for a meeting
who has special qualifications and
experience in the field of de-addiction /
rehabilitation for giving expert advice
to the Committee.
- (2) The role and responsibilities of the State Level Committee shall be –

- (i) to act as supervisory, policy making and facilitatory body with regard to treatment of addicts and their rehabilitation;
- (ii) to frame guidelines for the licensing authority to grant licenses for operation of centres;
- (iii) to ensure effective implementation of minimum standards of care in centres as laid down by the Government of India or any Statutory Body or this Committee;
- (iv) to help and guide for establishing a collaborative treatment network among the centres and Governmental and Non-Governmental Health Care facilities;
- (v) to conduct and facilitate training programme for personnel deployed in centres;
- (vi) to undertake any other activity for the welfare and rehabilitation of addicts;
- (vii) to decide the appeals against the decisions of the Licensing Authority.

Disqualification.

4. A person shall be disqualified for being appointed as a member or in case is already appointed then shall be removed by the Government if he/she,-
 - (i) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude; or
 - (ii) is an undischarged insolvent, or
 - (iii) is of unsound mind and stands so declared by a competent court, or
 - (iv) has been removed or dismissed from the Government or a body corporate owned or controlled by the Government.

Term of office of non-official members.

5. (1) Every non-official member shall hold office for a period of 2 (two) years from the date of his appointment and shall be eligible for re-appointment.
- (2) A non-official member may at any time resign from membership of the State Level committee by forwarding letter of resignation to the Chairman and such resignation shall take effect from the date on which it is accepted.
- (3) Where a vacancy occurs by resignation or otherwise of a non-official member, the Government shall fill the vacancy by appointing from amongst the same group of persons, for example, only a lawyer will replace a lawyer, and the persons so appointed, shall hold office for the remainder of the term of office of the member in whose place he/she has been so appointed.

- (4) Where the term of office of any non-official member is about to expire, the Government may appoint a successor 3 (three) months before the expiry of the term of such member but the successor shall assume office only after expiry of the term of the member.

**Licensing
Authority.**

6. (1) There shall be a State Level Licensing Authority consisting of the following members; namely:-
- (i) Programme Director, Sikkim Anti Drugs Unit;
 - (ii) Director / Special Secretary / Additional Secretary, Social Justice Empowerment, and Welfare Department.
- (2) The functions of the Licensing Authority shall be as under:-
- (i) to issue provisional license, regular license and to renew license for operation of centres set up by any organization and to register centres already operating;
 - (ii) to investigate complaints against centres as also against suspected / alleged unlicensed centres and take appropriate action;
 - (iii) to monitor, supervise and evaluate functioning of various centres in the State of Sikkim;
 - (iv) to ensure minimum standards of care in the centre based on the Government of India guidelines or any statutory body, or the guidelines issued by the State Level Committee from time to time;
 - (v) to implement and monitor the guidelines prepared by State Level Committee for setting up and functioning of the centres;
 - (vi) to carry out periodic inspections of the centres and in case of any violations initiating punitive proceedings including suspension or cancellation of the license;
 - (vii) to devise its own procedure for discharging its duties and for carrying out the objectives and implementing the rules and provisions contained in the Act;
 - (viii) to maintain record in the form specified by the State Level Committee from time to time.
- (3) The Licensing Authority shall follow the following procedure, namely: -
- (i) on receipt of an application in Form - II, the Licensing Authority may cause such enquiries to be made about the applicant as it deems fit to ensure that the applicant is capable of adhering to the minimum standards prescribed in these rules for running a centre;
 - (ii) after getting suitable enquiry conducted and after satisfying itself about the capabilities of an applicant for setting up

acentre in accordance with the minimum standards prescribed in these rules, the licensing authority shall issue a provisional license to the applicant in Form - I;

- (iii) after issuance of provisional license in Form - I, the applicant shall comply with the prescribed minimum standards and such other conditions as are prescribed by the Licensing Authority, and request the Licensing Authority to grant regular license within a period of 6 (six) months. If he/she fails to apply for the regular license within the specified period, he/she shall stop the operation of the centre. A centre may continue to be operated beyond six months of grant of provisional license only after issuance of a regular license;
- (iv) for conversion of a provisional license into a regular license, the Licensing Authority shall satisfy itself about due compliance of all the conditions of the provisional license by the applicant, for which purpose, it may cause the centres to be inspected by the appropriate inspecting authorities;
- (v) a license shall be valid for a period of three years from the date of issue unless suspended, revoked or cancelled by the Licensing Authority for non-compliance of any of the conditions of license and non-adherence to the Minimum Standards prescribed in these rules;
- (vi) the fee for application for setting up a centre shall be Rs. 10,000/- (Rupees ten thousand only) for new license and Rs. 5000/- (Rupees five thousand only) for renewal of license. The application for new license or renewal of license shall be made in Form - II;
- (vii) the centres established by the Government of Sikkim or the Central Government shall be exempted from the payment of license fee;
- (viii) all the existing centres shall have to apply for the license within 6 (six) months in Form II from the date of publication of these rules.
- (ix) on the receipt of application for regular license in Form - II, the Licensing Authority shall issue the same within 30 (thirty) days of the receipt of reports regarding compliance of the conditions of provisional license to the applicant.
- (x) all the licensed centres shall be inspected at least once in a year.

Appeal.

7. An applicant may prefer an appeal before the State Level Committee against the order of the Licensing Authority in case grant of license is denied to him in Form -III, after paying a fee of Rs. 2000/- (Rupees two thousand) only.

**Minimum
Standards.**

8. The Centre shall confirm to the following Minimum Standards, namely:-

1. Physical Standards:-

- (i) The centre after obtaining license shall start operations within thirty days of the receipt of the license and inform the licensing authority about the commencement of its operation.
- (ii) The licensing authority shall cause an inspection of such new centre to be conducted by self and the appropriate inspecting authorities notified for the purpose.
- (iii) The Centre shall have requisite number of beds (one for each patient). Adequate accommodation and proper spacing between the beds shall be provided.
- (iv) The centre shall have sufficient ventilation and be free from any pollution which may be detrimental to the health of admitted patients.
- (v) The centre shall have potable/drinking water and running water for washing, bathing and cleaning purposes.
- (vi) The centre shall have proper sanitation facilities in terms of clean and adequate number of bathrooms, toilets and sinks.
- (vii) The centre shall provide clean bed linen, utensils and articles for personal hygiene of the patients.
- (viii) The centre shall provide fresh, nutritious and adequate meals to the admitted patients.
- (ix) The centre shall have adequate recreational facilities for the patients.
- (x) The following additional facilities shall be available in every centre, namely:-
 - (a) reception enquiry / registration counter/waiting space with seating arrangements for a minimum of five persons.
 - (b) cubicle/room for providing individual counseling, group therapy and family counselling.
 - (c) space to store records of patients to ensure confidentiality and a system of easy retrieval.
 - (d) related educational material such as posters to be prominently displayed at strategic points in the centres.
 - (e) pamphlets, hand bills and other educational materials in English and vernacular shall be made freely available for the public.

2. Medical Standards (for De-addiction Centre) :-

- (i) No patient shall be coerced to undergo de-addiction / detoxification treatment without explaining the range of

treatment options available to such person including substitution / maintenance therapy and psychosocial interventions and his / her consent for undergoing treatment for de-addiction.

- (ii) Treatment protocol of centres shall follow established and evidence-based medical practice and guidelines published by the World Health Organization (WHO), Government of India, and Indian Psychiatric Society (IPS), including the harm minimization practices advocated from time to time.
- (iii) Nursing and other staff employed in the centre shall be duly qualified as per their job requirement, be competent to handle the work assigned to them. The core staff (doctors and nurses) shall have received training in de-addiction treatment from a recognized institution.
- (iv) The in-charge of a centre shall be a duly qualified psychiatrist or a doctor with at least three months training in de-addiction treatment.
- (v) When a doctor is managing a centre, it shall have a psychiatrist on its roll visiting the centre at least once a week.
- (vi) Adequate transport/Ambulance services for patients shall be ensured by the centre.
- (vii) Round the clock medical / nursing care to the in-patient shall be ensured by the centre.
- (viii) There shall be adequate and readily available stock of medicines required for related physical and psychiatric co-morbidities.

3. Staff requirement :-

- (a) For De-addiction Centre, -
 - (i) One part-time doctor(4 hours a day) - MD Psychiatry (preferably), or a doctor with at least three months training in de-addiction treatment from a recognized institution (Doctor: patient Ratio, 1:20).
 - (ii) Two Social Workers/Counselors – M.Phil/MA in Psychology, Sociology or Social Work (preferably with-training in de-addiction treatment) from a recognized institution (Counselors: patient Ratio,1:10).
 - (iii) Four staff nurses- for round the clock services. BSc or Diploma in Nursing with training in drug treatment from a recognized institution (Nurse: patient Ratio 1:20).
 - (iv) Three Ward Attendants–Basic qualification 10+2. (Orientation training to be provided to them at the Centre locally within three months to handle drug addicts).

- (v) Three security personnel- one each, round the clock.
 - (vi) Two SafaiKarmacharis.
 - (vii) One Cook-cum-Helper or a regular arrangement for fresh, nutritious food from outside.
 - (viii) Peer Educators (Optional).
- (b) For Counseling / Rehabilitation Centre, -
- (i) One Project Director / Programme Officer.
 - (ii) Three Social Workers / Counselors with basic qualification of MA / Graduate in Psychology, Sociology or Social Work, preferably with training in de-addiction counseling / treatment from a recognized institution.
 - (iii) Three Ward Attendants-Basic qualification 10+2, (Orientation training to be provided to them at the Centre locally within three months to handle drug addicts).
 - (iv) Two security personnel (at least one is essential).
 - (v) Two safaikarmacharis (at least one is essential).
 - (vi) One Cook-cum-Helper or regular arrangement for fresh, nutritious food from outside.
 - (vii) Peer Educators (Optional).
4. Support Services :-
- Each centre shall provide the following support services, -
- (i) Emergency medical care.
 - (ii) Recreational / rehabilitation facilities and outdoor activities.
 - (iii) Regular daily out-patient services.
 - (iv) Referral linkage for specialist medical services, laboratory services, HIV/AIDS centers, Revised National Tuberculosis Control Programme (RNTCP) centres.
 - (v) Adequate transport facilities for patients for the purpose of linkage activities and emergency medical care.
5. Record Maintenance and Dissemination :-
- (i) It shall be mandatory for all the centres to maintain personal record and treatment record of all the patients.
 - (ii) These records shall be confidential and available only to the appropriate inspecting authorities on request with the discretion of Officer-in-charge of the centre.
 - (iii) All data on activities of the centre shall be sent on Drug Abuse Monitoring System (DAMS) Performa developed by the Union Ministry of Health and Family Welfare, to the Programme Director, Department of Health Care, Human Service and Family Welfare, on a quarterly basis for the purpose of information and compilation of State data.

Admission to the centre.

9. (1) Admission to the centre shall be made only with informed consent of the patient, or a legal guardian in case of a minor, after discussing risks, benefits and alternatives to treatment to be recorded in writing. Copy of the consent form shall be provided to the client. The client shall have the right to refuse and discontinue treatment at any time.
- (2) The State Level Committee or the Licensing Authority, as the case may be, may frame admission procedure and guidelines or impose such conditions as it deems proper.
- (3) Each Centre shall give an undertaking to the effect that it shall protect the human rights of the admitted patients as per the Universal Human Rights and that it will not engage in the following activities with the patients, i.e., solitary confinement, forced labour, punishment, beating, psychological torture, chaining or locking up. The patients' liberty shall be protected at all times. It shall allow private interaction with family and provide communication to the patient under supervision of the authorized person of Centre. It will ensure confidentiality of medical and counseling records of the patient except caregivers and under judicial orders.

FORM I

[(See rule 6(3) (ii) (iii)]

(PROVISIONAL) LICENSE

We, being the Licencing Authority, designated under sub-rule (1) of rule 6 of the Sikkim De-addiction and Rehabilitation Centre (Establishment and Regulation) Rules, 2019, after satisfying the requirement of the Drug de-addiction / Rehabilitation centre, hereby grant the provisional license / licenseto for establishment and maintenance of Drug de-addiction / Rehabilitation centresituated at

2. The provisional licence/ license shall be valid for a period of 6 months / 3 years commencing fromand ending with.....

Licensing Authority

Place:

Date:

Conditions of License

1. This License is not transferable.
2. The License or any certificate of renewal in force shall be kept on the approved premises and shall be produced at the request of an officer detailed for the purposes by the Programme Director.
3. The licensee, if he desires renewal of the license, shall apply to the Licensing Authority, in the form specified, at least thirty days before the expiry of the license. There will be a penalty of rupees one thousand for every month of delay after the expiry of the license.
4. If the application for renewal of license is not made within six months of the expiry of the license, the license will deem to be cancelled.

FORM II

[(See rule 6 (3) (i) (vi) (viii) (ix)]

APPLICATION FOR GRANT / RENEWAL OF LICENSE

From:

To

The Licensing Authority,

Sikkim De-addiction and Rehabilitation Centre (Establishment and Regulation),

Government of Sikkim, Gangtok.

Subject: Grant / Renewal of License

Sir,

I request you to kindly grant a new license / renew my license No.
dated the for the next three years. I am providing the facilities
as prescribed by the Act and the Rules framed there under. I have herewith attached a Bank
Receipt for Rs. 10000/- Rs. 5000/- only.

Thanking You.

Place:

Yours faithfully,

Date:

Signature and Seal

FORM III

(See rule 7)

APPLICATION FOR APPEAL

To,

The Appellate Authority,

Sikkim De-addiction and Rehabilitation Centre (Establishment and Regulation),

Government of Sikkim, Gangtok.

Sir,

I, of had applied for the license for establishing Drug De-addiction / Rehabilitation Centre at (Copy of the application to be attached). My application was rejected by the Licensing Authority as per letter No. dated with the following reasons:

- 1.
- 2.
- 3.

The above reason(s) appear(s) to be not valid. I request you to reconsider my application. My justifications are:

- 1.
- 2.
- 3.

I am willing to appear before you for personal hearing, if necessary. I have enclosed a Bank Receipt of Rs. 2000/- only.

Place:

Date:.....

Yours faithfully,

Signature

VISHAL CHAUHAN, IAS
COMMISSIONER-CUM-SECRETARY TO THE GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH CARE, HUMAN SERVICE & FAMILY WELFARE